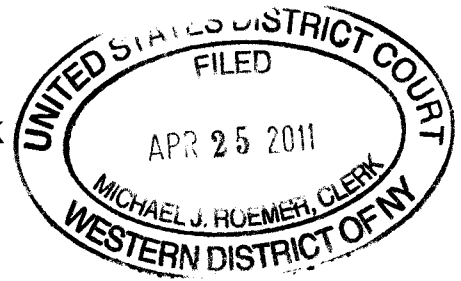


WESTERN DISTRICT OF NEW YORK

CIVIL DIVISION



Tiffany Wells,

*

Plaintiff,

*

-vs-

* Case No:

11 CV 0354-S

FIRSTSOURCE ADVANTAGE, LLC

Defendant.

*

COMPLAINT

JURISDICTION

Jurisdiction of this court arises under 15 U.S.C. 1681 et seq, and pendent state law claims. This action arises out of Defendant's violations of the Fair Debt Collection Practices Act., Fair Credit Reporting Act 15 U.S.C. 1692, et seq., 15 U.S.C. 1692 d (5), 15U.S.C.1692 e (4), 15U.S.C.1692g , ("FDCPA") 15 USC 1681 et seq, ("FCRA"). TCPA 47 U.S.C 227.

PARTIES

Plaintiff, Tiffany Wells., is a natural person residing in the State of California County of San Diego. Plaintiffs address is 4012 Aguila Street, Carlsbad.

Defendant First Source Advantage, LLC does business in California, and New York. Its address of record is 205 Bryant Woods South Amherst, Ny 14228; their registered Agent is located at CT CORPORATION SYSTEM 1201 Peachtree Street NE Atlanta, Ga 30361.

VENUE

Venue is proper in this district because the acts and transactions occurred here, and the Defendants transact business here.

FACTS

On March 2, 2011, Defendants First Source Advantage, LLC began phoning the Plaintiff in reference to an alleged debt. During these phone First Source Advantage, LLC would attempt to collect the debt multiply times throughout the day from Plaintiff sometimes back to back.

Employees of First Source Advantage, LLC informed the Plaintiff that they would not stop until they received payment. Plaintiff requested defendant to cease and desist communication via telephone.

Over the course of several weeks this type of contact increased in frequency and intensity, with the Defendant attempting to contact Plaintiff via the automated dialers. Sometimes up to 4 times per day. Defendant were asked several times not to contact Plaintiff and Plaintiff requested validation of the debt. Defendant replied you must know you own this debt and continue to call.

Defendant First Source Advantage, LLC violated numerous provisions of the FDCPA including but not limited to Sections 805(a)(3); 805(b); 806; 807; & 809(b).

Defendant First Source Advantage, LLC violated numerous provisions of the FCRA.

As a result of the Defendants activities or lack thereof the Plaintiff has suffered loss of self-esteem and peace of mind, and has suffered emotional distress, humiliation and embarrassment, and defamation of Credit.

All actions taken by employees, agents, servants, or representatives of any type for Defendant were taken in the line and scope of such individuals' (or entities') employment, agency, or representation.

Defendants' actions in engaging in a pattern and practice of wrongful and unlawful behavior, were malicious, wanton, reckless, intentional or willful, and performed with the desire to harm Plaintiff, with the knowledge that their actions would very likely harm Plaintiff, and that their actions were taken in violation of the law.

The actions, omissions, misrepresentations, and violations of the FCRA, FDCPA, federal law, and state law by Defendants, regarding the Plaintiff's disputed account, as described herein,

constitute harassment which has resulted in the negligent and intentional infliction of mental and emotional distress upon Plaintiff proximately causing Plaintiff to suffer severe mental distress, mental and physical pain, embarrassment, and humiliation of which Plaintiff will in the future continue to suffer.

FCRA CLAIMS

Plaintiff incorporates by reference all previous paragraphs.

In the entire course of their actions, Defendant willfully and/or negligently violated multiple provisions of the FCRA in one or more respects.

The foregoing acts and omissions were undertaken by Defendant willfully, intentionally, and knowingly as part of their routine debt collection business and/or in gross reckless disregard for the Plaintiffs' rights.

As a result of the above violations of the FCRA, Defendant is liable to Plaintiff for a declaratory judgment that their conduct violated the FCRA, and Plaintiffs' actual damages, statutory damages, and punitive damages.

FDCPA CLAIMS

Plaintiff incorporates by reference all previous paragraphs.

In the entire course of their actions, Defendant willfully and/or negligently violated multiple provisions of the FDCPA in one or more respects.

The foregoing acts and omissions were undertaken by Defendant willfully, intentionally, and knowingly as part of their routine debt collection business and/or in gross reckless disregard for the Plaintiffs' rights.

As a result of the above violations of the FDCPA, Defendant is liable to Plaintiff for a declaratory judgment that their conduct violated the FDCPA, and Plaintiffs' actual damages, statutory damages, and punitive damages.

NEGLIGENT, RECKLESS AND WANTON CONDUCT

Plaintiff incorporates herein by reference paragraphs all previous paragraphs.

Defendant's acts, as described herein, were done so negligently and without care or concern for the well-being of the Plaintiff.

As a proximate consequence of the defendant's negligence, Plaintiff has been caused to suffer severe emotional and mental distress, and Defendant is liable to Plaintiff for actual, compensatory, and punitive damages, costs, and any other and further relief deemed appropriate by this Court.

HARASSMENT

Plaintiffs incorporate by reference all previous paragraphs

Defendants' acts, as described herein, were done so intentionally, maliciously, and willfully, and without care or concern for Plaintiffs well being. The Defendants' harassing collection tactics, and/or refusal to assure the accuracy of the information published regarding the Plaintiff, created a hostile environment for Plaintiff.

As a proximate consequence of the Defendant's harassment, Plaintiff has been caused to suffer severe emotional and mental distress, and Defendant is liable to Plaintiffs for actual, compensatory, and punitive damages, costs and any other further relief deemed appropriate by this Court.

INVASION OF PRIVACY

Plaintiffs incorporate by reference all previous paragraphs.

Defendant's conduct, as described herein, constitutes an invasion of Plaintiffs' privacy in that it intrudes into Plaintiff private life, publishes private facts regarding Plaintiffs, and places Plaintiff in a false light in the eyes of those to whom the publications are made.

Defendant's actions were done maliciously, without privilege, and with a willful intent to injure Plaintiff.

As a proximate consequence of the Defendant's' invasion of Plaintiffs privacy, Plaintiff has been caused to suffer severe emotional and mental distress, and the Defendants is liable to Plaintiff for actual, compensatory, and punitive damages, costs and any other and further relief deemed appropriate by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that judgment be entered against the Defendant for the following:

- (a) Actual damages.
- (b) Statutory damages
- (c) Costs and reasonable fees
- (d) Punitive damages
- (e) For such other relief as the court may deem just and proper.

Tiffany Wells/Pro Se:

4012 Aquila St. Unit E

Carlsbad CA 92008

619.995.7104

Wells.tdrm@gmail.com

Tiffany Wells

DEMAND FOR JURY TRIAL

Please take note that Plaintiff demands trial by jury in this action.

Date:

4/15/11

Signature:

Tiffany Wells

VERIFICATION

I, Tiffany Wells, do declare under penalty of perjury as delineated in 28 USC 1746 that the information contained herein is true and correct to the best of my knowledge. Executed this 15th day of April, 2011 in the State of California, County of San Diego , City of Locust Grove.

Tiffany Wells
Tiffany Wells